

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining be allowed.

Claim Amendments:

Claims 22 and 50 have each been rewritten in independent form. Claims 2-5, 15, 16 and 23-26 have been amended to depend from newly independent claim 22. The dependency of claim 11 has been corrected. Claims 39-42, 51-53 and 55-57 have been amended to depend from newly independent claim 50.

Claims 1, 17-21, 38 and 45-49 have been canceled, without prejudice or disclaimer. Applicants specifically reserve the right to file appropriate continuing and or divisional application(s) drawn to the subject matter withdrawn from consideration in this application due to these cancellations or amendments.

No new matter has been added by this amendment. The Examiner is hereby requested to enter the amendment.

Rejections under 35 U.S.C. 102:

The Examiner's rejection of claims 1-13, 15, 16, 38-44 and 53-56 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,242,563 is respectfully traversed. Claims 1 and 38 have been canceled. Claims 2-13, 15, 16, 39-44 and 53-56 all depend, directly or indirectly, from non-rejected claims 22 or 50.

The Examiner's rejection of claims 1-13, 15-18, 20, 38-46, 48 and 53-56 under 35 U.S.C. 102(e) as anticipated by U.S. 2004/0038888 is respectfully traversed. Claims 1, 17, 18, 20, 38, 45, 46 and 48 have been canceled. Claims 2-13, 15, 16, 39-44 and 53-56 all depend, directly or indirectly, from non-rejected claims 22 or 50.

The Examiner's rejection of claims 1-16, 38-44 and 53-57 under 35 U.S.C. 102(b) as anticipated by WO96/09318 is respectfully traversed. Claims 1 and 38 have been canceled. Claims 2-16, 39-44 and 53-57 all depend, directly or indirectly, from non-rejected claims 22 or 50.

The Examiner's rejection of claims 1-16, 38-44 and 53-57 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,680,295 is respectfully traversed. Claims 1 and 38 have been canceled. Claims 2-16, 39-44 and 53-57 all depend, directly or indirectly, from non-rejected claims 22 or 50.

Withdrawal of the rejections is requested.

Rejections under 35 U.S.C. 103:

The Examiner's rejection of claims 21 and 49 under 35 U.S.C. 103(a) as unpatentable over U.S. 2004/0038888 in view of WO03/040310 is respectfully traversed in view of the cancellation of these claims.

The Examiner's rejection of claims 19 and 47 under 35 U.S.C. 103(a) as unpatentable over U.S. 2004/0038888 in view of Whittemore et al. (Exp. Cell Res. 1999) and Schlesinger et al. (Molecular Cell. 2000) is respectfully traversed in view of the cancellation of these claims.

The Examiner's rejection of claims 23-26, 51 and 52 under 35 U.S.C. 103(a) as unpatentable over U.S. 2004/0038888 is respectfully traversed in view of the amendment of these claims to depend, directly or indirectly, from claims 22 or 50.

Withdrawal of the rejections is requested.

Double Patenting Rejections:

The Examiner's provisional rejection of claims 1, 17, 22-26, 38, 45 and 50-52 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1, 8, 9, 22, 28 and 29 of co-pending Application No. 10/231,479 is respectfully traversed. Claims 1, 17, 38 and 45 have been canceled, so the rejection is moot as to these claims. Applicants file herewith a Terminal Disclaimer over the '479 application and the fee required under 37 C.F.R. 1.20(d).

The Examiner's rejection of claims 1, 17, 23 and 45 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 31 of U.S. Patent No. 6,844,312 is respectfully traversed. Claims 1, 17 and 45 have been canceled, so the rejection is moot as to these claims. Claim 23 has been amended to depend from non-rejected claim 22.

Withdrawal of the rejections is requested.

Conclusions

For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's rejections are hereby requested. Allowance of the claims remaining in this application is earnestly solicited.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at (650) 839-5122.

The fee in the amount of \$510 for the Petition for Extension of Time and the fee in the amount of \$65 for statutory disclaimer are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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